

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Patent No. : 7,906,639

Issue Date : March 15, 2011

Serial No. : 10/577,982

Applicant : Makoto KOIZUMI

Filed : May 2, 2006

For : OLIGONUCLEOTIDES HAVING A  
2'-O,4'-C-ETHYLENE NUCLEOTIDE  
IN THE THIRD POSITION

Art Unit : 1637

Examiner : Mark Staples

Docket No. : 06189/HG

Customer No.: 01933

Confirm. No.: 2978

This paper is being submitted  
via EFS-Web on

March 23, 2011

In the event that this Paper  
is late filed, and the  
necessary petition for  
extension of time is  
not filed concurrently  
herewith, please consider  
this as a Petition for the  
requisite extension of time,  
and to the extent not already  
paid, authorization to charge  
the extension fee to Account  
No. 06-1378. In addition,  
authorization is hereby given  
to charge any fees for which  
payment has not been submitted,  
or to credit any overpayments,  
to Account No. 06-1378.

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING  
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

1. This is a request for reconsideration of the patent term adjustment of zero days indicated in the above-identified issued patent. It is respectfully requested that applicant be afforded a patent term adjustment of 95 days.

2. This application for patent term adjustment is being filed within two months of the issue date (37 CFR §1.705(d)).
3. Applicant submits herewith a STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT INCLUDING THE BASIS FOR THE ADJUSTMENT.
4. The above-identified patent is not subject to a terminal disclaimer (37 CFR §1.705(b)(2)(iii)).
5. As to any circumstances during the prosecution of this patent constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent as set forth in §1.704 (37 CFR §1.705(b)(2)(iv)): there was none (37 CFR §1.705(b)(2)(iv)(B)) (this is subject to the USPTO consideration of applicant's LETTER RE: USPTO DETERMINATION OF PATENT TERM ADJUSTMENT filed on August 23, 2010).
6. The fee set forth in §1.18(e) (\$200), required by 37 CFR §1.705(b)(1), is being paid by credit card herewith.

Any additional fees or overpayment is hereby authorized to be charged to Deposit Account No. 06-1378.

It is respectfully requested that this application for patent term adjustment be granted and that a Certificate of Correction be issued to indicate a patent term adjustment of 95 days.

Respectfully submitted,



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RSB/ddf

Enc.:       STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
                 INCLUDING THE BASIS FOR THE ADJUSTMENT

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**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT  
INCLUDING THE BASIS FOR THE ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

1. This statement is being submitted in support of the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN AN ISSUED PATENT (37 CFR §1.705(d))" to which this statement is attached.

2. The patent term adjustment indicated in the ISSUE NOTIFICATION for the above-identified patent is zero days. It is respectfully submitted that such indication of a patent term adjustment of zero days is in error. The error is due to an erroneous imposition of an applicant delay of 120 days for the submission of a LETTER RE: USPTO DETERMINATION OF PATENT TERM ADJUSTMENT filed on August 23, 2010.

For the reasons discussed hereinbelow, it is respectfully submitted that the correct patent term adjustment under 37 CFR §1.702 is 95 days.

3. The basis on which applicant seeks adjustment is as follows:

(a) The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) that was attached to the NOTICE OF ALLOWANCE AND FEE(S) DUE mailed August 13, 2010 indicated a patent term adjustment of 90 days.

(b) The present Patent Term Adjustments on the USPTO PAIR (a copy of which is attached hereto) for the above-identified patent indicates that the applicant was assessed a delay of 120 days for a "Miscellaneous Incoming Letter" on 08-23-2010.

The aforesaid "Miscellaneous Incoming Letter" was a "LETTER RE: USPTO DETERMINATION OF PATENT TERM ADJUSTMENT" filed on

August 23, 2010 (hereinafter referred to as the "August 23, 2010 LETTER"). The August 23, 2010 LETTER stated as follows:

"This letter is to call to the attention of the USPTO a possible implication for a change in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) attached to the August 13, 2010 Notice of Allowance and Fee(s) Due.

The USPTO may wish to consider if a change in their PTA determination is warranted based on applicant's filing of a Supplemental Amendment, which is discussed as follows. On May 27, 2008, applicant filed a SUPPLEMENTAL AMENDMENT UNDER 37 CFR 1.111 to supplement applicant's AMENDMENT UNDER 37 CFR 1.111 filed April 23, 2008."

It is clear that the August 23, 2010 LETTER was a "good faith and candor" letter. Thus, it is respectfully submitted that the imposition by the USPTO of a 120 day applicant delay for the filing of the August 23, 2010 LETTER was an error by the USPTO.

(c) The present Patent Term Adjustments on the USPTO PAIR for the above-identified patent indicated a USPTO delay of 5 days for the "Patent Issue Date Used in PTA Calculation."

(d) Assuming that the USPTO will withdraw the aforesaid 120 day applicant delay, the patent term adjustment should be 90 days + 5 days = 95 days (subject to the USPTO's consideration of applicant's August 23, 2010 LETTER).

Respectfully submitted,



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RSB/ddf

Enclosure: copy of Patent Term Adjustments from the USPTO PAIR

10/577,982	OLIGONUCLEOTIDES HAVING A 2'-O,4'-C-ETHYLENE NUCLEOTIDE IN THE THIRD POSITION OF THE 3'-END	03-23-2011:10:13:43
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## Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/577,982

Filing or 371(c) Date:	05-02-2006	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	03-15-2011	Non-Overlapping USPTO Delays:	141
A Delays:	141	PTO Manual Adjustments:	0
B Delays:	0	Applicant Delays:	166
C Delays:	0	Total PTA Adjustments:	0

Patent Term Adjustment History      Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
119.5	02-01-2009	PTA 36 Months	0		119.4
119.4	05-02-2006	Commencement Date			0
119	03-15-2011	Patent Issue Date Used in PTA Calculation	5		114
118	02-15-2011	Export to Final Data Capture			0
117	02-14-2011	Dispatch to FDC			0
116	08-23-2010	Miscellaneous Incoming Letter		120	0
115	11-11-2010	Application Is Considered Ready for Issue			0
114	11-10-2010	Issue Fee Payment Verified			0
113	11-10-2010	Issue Fee Payment Received			0
112	09-28-2010	Finished Initial Data Capture			0
110	08-30-2010	Sequence Forwarded to Pubs on Tape			0
109	08-26-2010	Receipt into Pubs			0
108	08-16-2010	Export to Initial Data Capture			0
106	08-13-2010	Mail Notice of Allowance			0
105	08-12-2010	Issue Revision Completed			0
104	08-12-2010	Document Verification			0
103	08-12-2010	Notice of Allowance Data Verification Completed			0
102	08-12-2010	Case Docketed to Examiner in GAU			0

101	08-12-2010	Examiner's Amendment Communication	0
100	08-09-2010	Allowability Notice	0
98	06-12-2010	Date Forwarded to Examiner	0
97	05-18-2010	Supplemental Response	5 95
96	05-17-2010	Date Forwarded to Examiner	0
95	05-13-2010	Response after Non-Final Action	14 93
94	05-13-2010	Request for Extension of Time - Granted	0
93	01-29-2010	Mail Non-Final Rejection	0
92	01-28-2010	Non-Final Rejection	0
90	01-20-2010	Request for Continued Examination (RCE)	0
89	01-22-2010	Disposal for a RCE / CPA / R129	0
88	01-20-2010	Workflow - Request for RCE - Begin	0
87	01-12-2010	Mail Advisory Action (PTOL - 303)	0
86	01-11-2010	Advisory Action (PTOL-303)	0
85	01-08-2010	Date Forwarded to Examiner	0
84	12-28-2009	Amendment after Final Rejection	0
83	11-05-2009	Mail Final Rejection (PTOL - 326)	0
82	11-04-2009	Final Rejection	0
77	09-09-2009	Date Forwarded to Examiner	0
76	07-23-2009	Response after Non-Final Action	0
75	04-29-2009	Mail Non-Final Rejection	0
74	04-27-2009	Non-Final Rejection	0
67	02-02-2009	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	0
66	02-10-2009	Date Forwarded to Examiner	0
65	02-02-2009	Request for Continued Examination (RCE)	63

64	02-10-2009	Disposal for a RCE / CPA / R129	0
63	12-17-2008	Notice of Appeal Filed	27 51
62	12-17-2008	Request for Extension of Time - Granted	0
61	02-02-2009	Workflow - Request for RCE - Begin	0
60	12-05-2008	Mail Advisory Action (PTOL - 303)	0
59	12-05-2008	Advisory Action (PTOL-303)	0
55	11-19-2008	Amendment after Final Rejection	0
54	11-14-2008	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	0
53	11-22-2008	Date Forwarded to Examiner	0
52	11-14-2008	Amendment after Final Rejection	0
51	08-20-2008	Mail Final Rejection (PTOL - 326)	0
50	08-18-2008	Final Rejection	0
43	04-23-2008	Information Disclosure Statement considered	0
42	06-20-2008	Date Forwarded to Examiner	0
41	05-27-2008	Supplemental Response	0
40	04-23-2008	Reference capture on IDS	0
39	04-23-2008	Information Disclosure Statement (IDS) Filed	0
38	04-23-2008	Request for Foreign Priority (Priority Papers May Be Included)	0
37	04-23-2008	Request for Foreign Priority (Priority Papers May Be Included)	0
36	04-23-2008	New or Additional Drawing Filed	0
35	06-02-2008	Date Forwarded to Examiner	0
34	04-23-2008	Response after Non-Final Action	0
33	05-16-2008	CRF Is Good Technically / Entered into Database	0
32	04-23-2008	Information Disclosure Statement (IDS) Filed	0
31	02-19-	Mail Non-Final Rejection	0

		2008	
30	02-15-2008	Non-Final Rejection	0
28	08-03-2006	Information Disclosure Statement considered	0
27	06-23-2006	Information Disclosure Statement considered	0
26	05-02-2006	Information Disclosure Statement considered	0
23	12-08-2007	Date Forwarded to Examiner	0
22	11-30-2007	Response to Election / Restriction Filed	0
21	11-15-2007	Mail Restriction Requirement	136
20	11-13-2007	Restriction/Election Requirement	0
16	03-05-2007	Miscellaneous Incoming Letter	0
15	02-21-2007	IFW TSS Processing by Tech Center Complete	0
14	02-21-2007	Case Docketed to Examiner in GAU	0
13.7	08-03-2006	Information Disclosure Statement (IDS) Filed	0
13	08-03-2006	Information Disclosure Statement (IDS) Filed	0
12.7	06-23-2006	Information Disclosure Statement (IDS) Filed	0
12	06-23-2006	Information Disclosure Statement (IDS) Filed	0
11	05-02-2006	Preliminary Amendment	0
10	05-02-2006	Request for Foreign Priority (Priority Papers May Be Included)	0
9	05-02-2006	Reference capture on IDS	0
8.7	05-02-2006	Information Disclosure Statement (IDS) Filed	0
8	05-02-2006	Information Disclosure Statement (IDS) Filed	0
7	01-11-2007	PG-Pub Issue Notification	0
6	05-02-2006	371 Completion Date	0
5	10-06-2006	Application Dispatched from OIPE	0
4	05-18-2006	Cleared by OIPE CSR	0

3	05-18- 2006	CRF Is Good Technically / Entered into Database	0
2	05-02- 2006	CRF Disk Has Been Received by Preexam / Group / PCT	0
1	05-02- 2006	Initial Exam Team nn	0
0.5	11-04- 2004	International Filing date	0

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